

Attorney Docket No. 3600.100 Cont.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of)	Examiner: C. Verdier
DAVID A. SPEAR ET AL.)	Group Art Unit: 3745
Appln. No.: 09/874,931)	
Filed: June 5, 2001)	
For: SWEPT TURBOMACHINERY BLADE)	Date: October 28, 2003

Commissioner for Patents
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RESPONSE TO OFFICE ACTION, SUBMISSION OF
SUPPLEMENTAL DECLARATION OF FRANS A.E. BREUGELMANS,
AND APPLICANTS' INTERVIEW SUMMARY

Sir:

This responds to the Office Action of July 21, 2003. The time for responding to the Office Action has been extended for one month, to November 21, 2003, by the enclosed Petition for Extension of Time.

The applicants would like to thank Primary Examiner Verdier and Special Programs Examiner Sholl for the time and courtesies extended to their representatives, David Quinlan and Richard Kosakowski, at the interview of October 21, 2003. The Examiner's Interview Summary succinctly summarizes the discussion at the interview and the agreements reached as a result thereof. These additional comments are made pursuant to the statement in the Interview Summary that the applicants' formal written reply to the pending Office Action must include the substance of the interview.

The general thrust of the discussion at the interview was clarification of various technical points in the Declaration of Frans A.E. Breugelmans of May 16, 2003, regarding whether all of the claims of U.S. Patent 6,071,077 (claims 1-13) and all of the claims pending in the present application (claims 18, 19, 22 and 23) are directed to the same patentable invention under 37 C.F.R. § 1.601(n). The Examiner concluded that the record at the time of the interview established that '077 Patent claims 1-3, 5 and 8-13 and all of the applicants' claims are to the same patentable invention.

The Examiner requested additional evidence in the form of further expert testimony to support the applicants' arguments in that regard concerning '077 Patent claims 4, 6 and 7. Claim 7 depends from claim 6, and it was agreed at the interview that if the applicants established that claim 6 is directed to the same patentable invention as the remaining claims, then claim 7 would also be deemed as such. The enclosed Supplemental Declaration of Frans A.E. Breugelmans provides the requested expert testimony establishing that '077 Patent claims 4 and 6 are directed to the same patentable invention as the other claims. Accordingly, the record now fully supports declaration of an interference between the '077 Patent and the present application with all of the claims of both parties involved in the interference.

Turning to the Office Action, the sole rejection of the applicants' claims was based on a defect in the Proposed Supplemental Reissue Declaration submitted with the Amendment of May 16, 2003. The Office Action requested that Dennis Kantor, the executor of inventor David Spear's estate, be identified as the "legal representative" of the estate.

Enclosed is an executed Supplemental Reissue Declaration that is identical to the Proposed Supplemental Reissue Declaration, except in that respect. There are three originals of

the enclosed Supplemental Reissue Declaration, one signed by each of inventors Bruce Biederman and John Orosa, and one signed by executor Dennis Kantor.

As agreed by the Examiner, submission of the enclosed executed Supplemental Reissue Declaration addresses the sole ground of rejection, and the enclosed Supplemental Declaration of Frans A.E. Breugelmans, places the present application in condition for declaration of an interference with the '077 Patent, involving claims 1-13 of the '077 Patent and claims 18, 19, 22 and 23 of the present application.

The applicants would also like to take this opportunity to comment on the Interview Summary attached to the Office Action. That Interview Summary merely recorded an informational telephone call from Examiner Verdier subsequent to the Amendment, Information Disclosure Statement, and Revised Request for an Interference of May 16, 2003. The Interview Summary accurately records the telephone call.

Any fees due on account of this paper may be charged to Deposit Account No. 50-0409.

All correspondence should continue to be sent to the attorney named below at the address shown.

Respectfully submitted,



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